

### **Remarks**

In view of the above amendments and the following remarks, reconsideration of the objection and rejection, and further examination are requested.

Claim 3 has been objected to as containing an informality. Claim 1 has been amended so as to include a portion of claim 3 and in a manner so as to address the informality. Further, claim 3 has been cancelled without prejudice or disclaimer to the subject matter contained therein. As a result, withdrawal of the objection is respectfully requested.

Further, claims 29 and 30 have been cancelled without prejudice or disclaimer to the subject matter contained therein, and claim 31 has been added.

Claims 1, 3, 29 and 30 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Osamu (JP 06-203865) in view of Erickson (US 4,287,170).

As mentioned above, claim 1 has been amended so as to include a portion of claim 3. As a result, the rejection is submitted to be inapplicable to claim 1 for the following reasons.

Claim 1 is patentable over the combination of Osamu and Erickson, since claim 1 recites a fuel cell power generation apparatus including, in part, inert gas formation means for removing oxygen from at least one raw gas of a burner exhaust gas discharged from a heating burner of a fuel reforming device, exhaust air discharged from a cathode of a fuel cell body, and air from outside the fuel cell power generation apparatus, and generating an inert gas, the inert gas formation means including an oxidizable and reducible oxygen adsorbent, wherein the oxygen adsorbent is disposed in at least one of a location between a reforming catalyst layer and a CO conversion catalyst layer provided in the fuel reforming device, a location upstream of the reforming catalyst layer within the fuel reforming device, and a location in the reforming catalyst layer provided in the fuel reforming device. The combination of Osamu and Erickson fails to disclose or suggest the inert gas formation means as recited in claim 1.

Osamu discloses a fuel cell system including a fuel cell main body 2, a reforming vessel 1, an exhaust gas burner 12 and an oxygen gas removing device 8. (See Abstract and Figure 1).

In the rejection, the oxygen gas removing device 8 is relied upon as corresponding to the claimed inert gas forming means including the oxygen adsorbent, and the reforming vessel 1 is relied upon as corresponding to the claimed fuel reforming device. Regarding this, it is clear from Figure 1 of Osamu that the oxygen gas removing device 8 is separated from the reforming vessel 1 and located upstream of the reforming vessel 1. On the other hand, claim 1 recites that

the oxygen adsorbent is positioned in at least one of a location between a reforming catalyst layer and a CO conversion catalyst layer provided in the fuel reforming device, a location upstream of the reforming catalyst layer within the fuel reforming device, and a location in the reforming catalyst layer provided in the fuel reforming device. Clearly, if the oxygen gas removing device 8 is relied upon as corresponding to the claimed inert gas forming means, it must include the oxygen adsorbent. However, based on Figure 1 of Osamu, the oxygen adsorbent included in the oxygen gas removing device 8 is not located anywhere in the reforming vessel 1, as would be necessary to meet this claim limitation. As a result, Erickson must disclose or suggest this feature in order for the combination of Osamu and Erickson to render claim 1 obvious.

Regarding Erickson, it discloses an adsorber 3 that adsorbs oxygen using an oxygen acceptor and a scavenger vessel 4 that includes an oxygen scavenger that is also capable of removing oxygen. Erickson also discloses a reducer vessel 9 which regenerates the oxygen scavenger from the scavenger vessel 4 that has been fully oxidized, with the use of a reducing gas. (See column 4, lines 55-59; column 5, lines 12-18; Abstract; and Figure 1). However, it is apparent that Erickson also fails to disclose or suggest the above-discussed feature of claim 1. As a result, claim 1 is patentable over the combination of Osamu and Erickson.

Further, it is noted that one of the benefits of having the oxygen adsorbent located in one of the claimed locations in the fuel reforming device is that it is unnecessary to include an element in the apparatus solely designated to heat the oxygen adsorbent. As a result, the size and cost of the apparatus can be reduced.

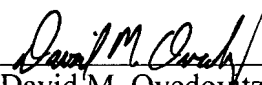
Additionally, it is requested that withdrawn claims 10-12, 17, 20, 23 and 26 be given due consideration as being dependent from claim 1, which is patentable over the references relied upon in the rejection.

Because of the above-mentioned distinctions, it is believed clear that claims 1, 10-12, 17, 20, 23, 26 and 31 are allowable over the references relied upon in the rejection. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as result in, or otherwise render obvious, the present invention as recited in claims 1, 10-12, 17, 20, 23, 26 and 31. Therefore, it is submitted that claims 1, 10-12, 17, 20, 23, 26 and 31 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must resolved before allowance of the application.

Respectfully submitted,

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December 5, 2007